

**ATTACHMENT TO**  
**COMMENTS OF OGLALA SIOUX TRIBE UTILITY COMMISSION**  
WC DOCKET NO. 11-42, WC DOCKET NO. 09-197, WC DOCKET NO. 10-90

**UGLALA SIOUX TRIBE LIFELINE ORDER**

**Matter:**                    **Inquiry into the rates, terms and conditions of Lifeline Service being provided by utilities on the Pine Ridge reservation**

**Case No:**                **T-2-2014**

**Date:**                    **April 7, 2015**

**Final Order**

The Commission adopts this *Final Order* to address Lifeline issues that have long plagued the Pine Ridge Indian Reservation (“PRIR”). Lifeline service is truly a “lifeline” for many residents, who are only able to afford essential telecommunications service, including access to critical 911 services, through the enhanced Lifeline program. In adopting the enhanced Lifeline program for tribal areas, the Federal Communications Commission (“FCC”) recognized the necessity of access to affordable telecommunications services in tribal areas:<sup>1</sup>

basic telecommunications services are a fundamental necessity in modern society. As our society increasingly relies on telecommunications technology for employment and access to public services, such telecommunications services have become a practical necessity. The absence of telecommunications services within a home places its occupants at a disadvantage when seeking to contact, or be contacted by, employers and potential employers. The inability to contact police, fire departments, and medical service providers in an emergency situation may have, and in some areas routinely does have, life-threatening consequences. In geographically remote areas, access to telecommunications services can minimize health and safety risks associated with geographic isolation by providing people access to critical information and services they may need. Basic

---

<sup>1</sup> *In the Matter of Federal-State Joint Board on Universal Service; Promoting Deployment and Subscription in Unserved and Underserved Areas, Including Tribal and Insular Areas, et al.*, CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, FCC 00-208, 15 FCC Rcd 12208 (2000) (“*Tribal Lifeline Order*”).

telecommunications services also may provide a source of access to more advanced services. For example, voice telephone is currently the most common means of household access to the Internet, and the same copper loop used to provide ordinary voice telephone service also may be used for broadband services. Thus, as use of advanced services among the general population increases, those without basic telecommunications services may find themselves falling further behind in a number of ways. In its *Falling Through the Net* report, the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) found that, while "[o]verall . . . the number of Americans connected to the nation's information infrastructure is soaring," the benefits of even basic telecommunications services have not reached certain segments of our population.

The Commission has carefully reviewed comments filed in response to its initial *Inquiry and Proposed Order #1* and its subsequent *Further Proposed Order*. Initial comments were filed by AT&T Mobility, LLC and further comments were filed by AT&T, the South Dakota Telecommunications Association ("SDTA"), and Golden West Telecommunications Cooperative, Inc. ("Golden West"). Upon review of the comments, the Commission concludes that it has the requisite jurisdiction and the ultimate responsibility to residents of the PRIR to adopt requirements specific to the provision of Lifeline Service on the PRIR, consistent with the enhanced Lifeline requirements established by the Federal Communications Commission ("FCC").<sup>2</sup>

### Background

The FCC has adopted a Lifeline and Link-Up program for low-income consumers living on tribal lands, enabling eligible residents to obtain reduced prices for telecommunications service.<sup>3</sup> In order to qualify for Lifeline Service, a consumer must meet eligibility requirements, such as participation in Bureau of Indian Affairs General Assistance or Tribally-Administered Temporary Assistance for Needy Families ("Tribal TANF").<sup>4</sup> As of December 31, 2014, there were 471,148 Lifeline

---

<sup>2</sup> See 47 C.F.R. § 54.403(a)(2).

<sup>3</sup> See *Tribal Lifeline Order*.

<sup>4</sup> 47 C.F.R. § 54.409.

subscribers on Tribal Lands in the United States.<sup>5</sup> The Universal Service Administrative Company (“USAC”) does not report the number of Lifeline subscribers on individual reservations. On the Pine Ridge reservation, the three incumbent local exchange carriers (“ILECs”) -- Golden West Telecommunications, Great Plains Communications, and Fort Randall Telephone Company – are Lifeline providers, along with the competitive ETC, AT&T Mobility. In response to Requests for Information (“RFIs”), the ILECs did not identify the number of Lifeline subscribers on the Pine Ridge reservation, but AT&T Mobility stated that it had 125 Lifeline subscribers on the Pine Ridge reservation at the end of 2013.<sup>6</sup> Staff filed a Report on Lifeline, which indicates that, based upon USAC projections, there were 6,869 Lifeline subscribers served by AT&T Mobility, Golden West and Fort Randall in the third quarter of 2005, but now only 694 Lifeline subscribers served by these same providers in the third quarter of 2014.<sup>7</sup>

*Inquiry and Proposed Order #1.* The Commission expressed concern about the apparent drastic reduction in the number of Lifeline subscribers on the Pine Ridge reservation and sought comment on, among other issues, the following:

1. Whether Lifeline providers should be required to offer the tribal Lifeline discount on all rate plans that include the supported services;

---

<sup>5</sup> See USAC LI08 2Q2015 Filing (see <http://www.usac.org/about/tools/fcc/filings/2015/q2.aspx>); just three months ago, as of September 30, 2014, there were 495,066 Lifeline subscribers on Tribal Lands in the United States (see <http://www.usac.org/about/tools/fcc/filings/2015/q1.aspx>).

<sup>6</sup> AT&T Mobility Response to RFI No. 4.1, Case No. T-1-2013.

<sup>7</sup> See Attachment A, Staff Report: Lifeline, *Inquiry and Proposed Order #1*, September 5, 2014; in the Staff Report, the amount of Lifeline support is identified, but not the number of Lifeline subscribers on the Pine Ridge reservation. To calculate the number of Lifeline subscribers, the total amount of monthly Lifeline support was divided by \$34.25 (the maximum amount of Lifeline support received per subscriber). The actual amount of Lifeline subscribers on the Pine Ridge reservation may be different because the ILECs do not report Lifeline support specific to the Pine Ridge reservation and the amount of support reported is for the ILECs entire service areas. Nonetheless, the data indicates a significant reduction in the number of Lifeline subscribers on the Pine Ridge reservation based upon the number of Lifeline subscribers served by AT&T Mobility’s predecessor (Alltel Corporation) in 2005 and now by AT&T Mobility in 2014.

2. Whether Lifeline providers are offering the tribal Lifeline discount on bundled rate plans that include text, broadband, and other services as provided for under 47 C.F.R. § 54.401(b);
3. Whether any of the FCC Lifeline rules, including the application and annual recertification requirements, are a barrier to providing Lifeline service and have the affect of limiting access to Lifeline services by tribal members; if so, what steps are being taken by the Lifeline provider to overcome these barriers;
4. Whether any residents of the Pine Ridge reservation are not able to obtain Lifeline service and the reasons for this; and
5. What steps can the Commission take to help facilitate the provision of Lifeline service to the maximum number of eligible residents.

Comments. AT&T submitted the following initial Comments:<sup>8</sup>

- “[I]t appears the Commission believes that it could require Lifeline providers to offer Lifeline discounts on all of their plans that include voice telephony service. That is incorrect.”
- “AT&T Mobility does permit Tribal Lifeline customers on the Pine Ridge Reservation to obtain a plan that includes text messaging at an additional cost.”
- AT&T identified federal rules that are obstacles to consumers obtaining Lifeline Service.
- AT&T identified the reasons for denial of Lifeline benefits as:
  - “an applicant’s inability to provide documentation of participation in one of the qualified programs;”
  - “an applicant’s inability to provide evidence of membership in the Oglala Sioux Tribe;”
  - “the existence of an unpaid balance on a previous account the applicant had with AT&T Mobility;” and
  - “the existence of another Lifeline account in the applicant’s household.”
- “One step the Commission could take to increase participation in the Lifeline program on the Pine Ridge Reservation is to publicize the program, its benefits, and its requirements.”

---

<sup>8</sup> AT&T Mobility’s Comments on Proposed Order #1, Case No. T-2-2014, October 3, 2014.

Further Proposed Order. The Commission found that Lifeline service has a direct effect on the health and welfare of the Oglala Sioux Tribe and its members on the Pine Ridge reservation. With a poverty rate of greater than 50%<sup>9</sup> and historically low telephone penetration rates,<sup>10</sup> the Pine Ridge reservation is dependent upon affordable Lifeline service to serve the critical communications needs of residents. After reviewing various state Lifeline programs, the Commission concluded that the Lifeline rules of the Texas Public Utility Commission provide a good starting point for new Lifeline rules on the Pine Ridge reservation to compliment the federal rules.<sup>11</sup> The Commission sought comment on these proposed rules.

Further Comments. AT&T, Golden West and SDTA filed comments on the proposed rules. All of the Commenters recognized the importance of the enhanced Lifeline program, but argue that the Commission lacks jurisdiction and authority to address concerns regarding the implementation of Lifeline services on the PRIR. “There is no reasonable basis to conclude that either a State or a Tribal government is authorized to adopt regulations that would be “in addition to” or inconsistent with federal regulations” and therefore the Commission should “instead rely on the “Tribal engagement” process (provided for under 47 CFR § 54.313(a)(9) as a means of addressing concerns related to the Lifeline and Link Up services being provided by ETCs operating on the Pine Ridge reservation.”<sup>12</sup> “Golden West understands the important benefits the FCC’s Lifeline and Link-Up programs provide to all member customers,” but argues that “there are no factual or legal justifications for the Oglala

---

<sup>9</sup> See [http://en.wikipedia.org/wiki/Reservation\\_poverty](http://en.wikipedia.org/wiki/Reservation_poverty).

<sup>10</sup> See *Tribal Lifeline Order*.

<sup>11</sup> See P.U.C. SUBST. R. §§ 26.412 and 26.413; *see also Rulemaking To Consider Amending Substantive Rules § 26.412 Relating To Lifeline Service Program and § 26.413 Relating To Link Up Service Program*, Order Adopting Amendments To § 26.412 and § 26.413 As Approved At the October 25, 2013 Open Meeting, Project No. 41024, November 14, 2013.

<sup>12</sup> SDTA Comments at p. 4.

Sioux Tribal Utilities Commission to attempt to regulate Golden West.”<sup>13</sup> “While AT&T Mobility understands the Commission’s interest in the provision of Lifeline service to Tribal members on the Pine Ridge Reservation, the Commission should not adopt the proposed rules regarding Lifeline service . . . because, under federal law, the Tribe does not have authority. . .”<sup>14</sup>

AT&T recognizes the ability of States, such as the Texas Public Utilities Commission, to adopt Lifeline requirements, but argues that the authority comes from a State’s designation of carriers as eligible telecommunications carriers (“ETCs”) and to “impose additional requirements on ETCs as a condition of State certification of a carrier’s eligibility.”<sup>15</sup> AT&T further argues that the “Commission’s proposed Lifeline rules would impermissibly conflict with the FCC’s rules and regulations” by requiring “ETCs to file tariffs and by defining “who is eligible for Lifeline service.”<sup>16</sup> AT&T also claims that the Commission’s proposed rules would make participation in the Lifeline program more burdensome by requiring “ETCs to apply Lifeline discounts to bundled packages of voice and data services” and seeking “the full amount of any available federal Lifeline discount.”<sup>17</sup> AT&T contends the Commission’s proposed rules “would impermissibly interfere[] with the methods” designed by the FCC “to reach [its] goal.”<sup>18</sup> SDTA also states that “[t]here is no reasonable basis to conclude that either a state or a Tribal government is authorized to adopt regulations that would be “in addition to” or inconsistent with federal

---

<sup>13</sup> Golden West Comments at p. 1. Golden West also clarifies that it does offer the full enhanced Lifeline discount, reduces Lifeline rates to \$0, and makes the Lifeline discount available on bundled rate plans. Golden West, however, states that it “does not consent to the jurisdiction of the Oglala Sioux Tribal Utilities Commission,’ but that it “desire[s] to maintain a positive working relationship with the Oglala Sioux Tribe for the benefit of its member customers located on the Pine Ridge Reservation.” Golden West Comments at p. 3.

<sup>14</sup> AT&T Further Comments at p. 1.

<sup>15</sup> AT&T Further Comments at p. 2.

<sup>16</sup> AT&T Further Comments at p. 4.

<sup>17</sup> AT&T Further Comments at p. 5.

<sup>18</sup> AT&T Further Comments at p. 5, citing *Gade v. National Solid Wastes Management Ass’n*, 505 U.S. 88, 98 (1992).

regulations in relation to a universal service program wholly supported by federal funds.”<sup>19</sup>

Golden West submitted comments that its Lifeline customers are “receiving the maximum discount available” and receiving Lifeline service “at no charge” except for any applicable taxes.<sup>20</sup> “Tribal Lifeline customers subscribing to a Golden West bundle also receive the basic phone service portion of the bundle . . . at no charge.”<sup>21</sup> Golden West states that it has provided copies of applicable FCC filings “to the President/Chairman of each Tribe” because any guidance received has stated that “copies of filings should be provided to Tribal governments.”<sup>22</sup> As for why there has been a decrease in the number of Lifeline subscribers over the years, Golden West states:<sup>23</sup>

This decrease in numbers can be attributed to changes in the FCC’s Lifeline program, administered by the Universal Service Administration Company (USAC), to combat waste, fraud, and abuse. One of these changes is the requirement imposed by the FCC that ALL Lifeline customers be recertified annually. Any subscriber that does not respond to the recertification request, fails to properly complete the form, or is deemed ineligible upon review of the form, must be removed from the Lifeline program.

## **DECISION**

The Commission appreciates the input of the Commenters on its proposed Lifeline rules aimed at allowing residents of the PRIR to realize the benefits of the enhanced Lifeline program, which makes telecommunications service affordable for eligible low-income residents of Tribal lands. The importance of the enhanced Lifeline program can not be overstated, especially on the PRIR, which includes some of the

---

<sup>19</sup> SDTA Comments at p. 4.

<sup>20</sup> Golden West Comments at p. 2.

<sup>21</sup> Golden West Comments at p. 2.

<sup>22</sup> Golden West Comments at p. 2.

<sup>23</sup> Golden West Comments at p. 2 – 3.

poorest counties in the U.S. As the FCC has recognized, the enhanced Lifeline program “promote[s] telecommunications deployment and subscribership for the benefit of those living on federally-recognized American Indian and Alaska Native tribal lands,” “enhance[es] tribal communities’ access to telecommunications . . . [by] increase[ing] access to education, commerce, government, and public services,” and “bridge[s] the physical distances between low-income consumers on tribal lands and the emergency, medical, employment, and other services that they may need.”<sup>24</sup>

All of the benefits of the enhanced Lifeline program are critically important for residents of the PRIR. The FCC acknowledged its responsibility to Tribes in adopting the enhanced Lifeline program:<sup>25</sup>

Our authority to alter our rules in ways targeted to benefit tribal communities also must be informed by the principles of federal Indian law that arise from the unique trust relationship between the federal government and Indian tribes. That relationship has been characterized as “unlike that of any other two people in existence,” and “marked by peculiar and cardinal distinctions which exist no where else.” The Supreme Court has repeatedly “recognized the distinctive obligation of trust incumbent upon the [Federal] Government” in its dealings with Indian tribes. Moreover, Congress and the courts have recognized the federal government’s responsibility to promote self-government amount tribal communities as an important facet of the federal trust relationship. In *Morton v. Mancari*, for example, the Supreme Court held a federal regulation establishing a hiring preference for members of Indian tribes as consistent with the goal of the promoting Indian self-government. In that case, the Court noted that “literally every piece of legislation dealing with Indian tribes and reservations singles out for special treatment a constituency of tribal Indians living on or near reservations.”

By enhancing tribal communities’ access to telecommunications services, the measures we adopt today are consistent with our federal trust responsibility to encourage tribal sovereignty and self-governance. Specifically, the enhancing tribal communities’ access to telecommunications, including access interexchange services, advanced telecommunications, and information services, we increase tribal communities’ access to education, commerce, government, and public services. Furthermore, by helping to

---

<sup>24</sup> *Tribal Lifeline Order* at para. 5.

<sup>25</sup> *Tribal Lifeline Order* at paras. 22-23.

bridge physical distances between low-income individuals living on tribal lands and the emergency, medical, employment, and other services that they may need, our actions further our federal trust responsibility to ensure a standard of livability for members of Indian tribes on tribal lands.

The Commission also has a responsibility to the Oglala Sioux Tribe and to the residents of the PRIR to ensure that Lifeline service is implemented consistent with the goals and objectives of the enhanced Lifeline program. This is precisely what the FCC envisioned when it adopted its Tribal engagement requirements.<sup>26</sup> The Commenters, however, contend that the Commission does not have any jurisdiction or authority over the provision of Lifeline service on the PRIR, essentially arguing that the Commission is simply an idle bystander in the provision of an essential telecommunications service on the PRIR. SDTA goes one step further by arguing that “[t]here is no reasonable basis to conclude that either a state or a Tribal government is authorized to adopt regulations that would be “in addition to” or inconsistent with federal regulations in relation to a universal service program wholly supported by federal funds.” AT&T recognizes the ability of States, such as the Texas Public Utilities Commission, to adopt Lifeline requirements, but argues that the authority comes from a State’s designation of carriers as eligible telecommunications carriers (“ETCs”) and to “impose additional requirements on ETCs as a condition of State certification of a carrier’s eligibility. These arguments cannot reconciled with federal rules and orders and the implementation of the federal Lifeline program by state/tribal authorities:<sup>27</sup>

Currently, the program operates under a patchwork of state and federal requirements. Within the framework established by the 1996 Act and the *Universal Service First Report and Order*, each state administers its own

---

<sup>26</sup> See *Office of Native Affairs and Policy, Wireless Telecommunications Bureau, and Wireline Competition Bureau Issue Further Guidance On Tribal Government Engagement Obligation Provisions of the Connect America Fund*, Public Notice, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, WT Docket No. 10-208, GN Docket No. 09-51, DA-12-1165, July 19, 2012.

<sup>27</sup> See *In the Matter of Lifeline and Link Up Reform and Modernization, Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 11-42, FCC 12-11 at para. 19, released February 6, 2012 (“*Lifeline Reform Order*”).

program, which has provided the states the freedom to experiment and to develop new ways of making the program more effective and efficient. Although Lifeline is a federal program, its administration varies significantly among the states, including on key policies such as eligibility and verification. There is significant variation among the states in the percentage of eligible households participating in the program, which may be due to differing state eligibility and verification requirements, the extent of outreach, the process for enrolling subscribers, the number and type of ETCs in the state, support levels, and other factors

States, like Texas, have adopted additional Lifeline requirements for ETCs participating in only the federal program. The Commission's proposed Lifeline rules were modeled after the Texas Lifeline rules.<sup>28</sup> Any Texas rules applicable to the state Lifeline program or to carriers designated as eligible telecommunications providers ("ETPs") for purposes of state funding were removed from the Commission's proposed rules. Since the inception of the federal Lifeline program, the FCC has encouraged local utility authorities to assume an expanded role in the Lifeline program to ensure eligible consumers have access to Lifeline services. For example, the FCC made the following observations about the obligation to offer the Lifeline discount on bundled service offerings: "24 states permit ETCs to offer bundled service packages or voice plans with additional services to Lifeline consumers, 5 require that ETCs offer bundled service packages or voice plans with additional services to Lifeline consumers, and one state is currently looking into the issue."<sup>29</sup> The FCC has also specifically recognized the role of tribal utility commissions in the Lifeline program by requiring, among other things, that Lifeline providers obtain "a certification that the carrier has received the necessary approval of any non-federal regulatory authority (e.g., a state commission or tribal regulatory

---

<sup>28</sup> See P.U.C. SUBST. R. §§ 26.412 and 26.413 with changes reflecting the deletion of rules not applicable to the Pine Ridge reservation and additions necessary to meet the needs of low-income tribal members and residents.

<sup>29</sup> *Lifeline Reform Order* at footnote 859; see also *Lifeline Reform Order* at para. 490 ("Several states, including Oregon, Texas, and Kansas, have enacted rules *requiring* ETCs to offer Lifeline discounts on all voice service offerings, including expanded service plans.")

authority) that is authorized to regulate such carrier's rates that may be necessary to implement the required rate reduction."<sup>30</sup>

Turning to its proposed Lifeline rules, the Commission is mindful of the need to adopt rules that do not conflict with or interfere with the federal rules. AT&T argues that the "Commission's proposed Lifeline rules would impermissibly conflict with the FCC's rules and regulations" by requiring "ETCs to file tariffs and by defining "who is eligible for Lifeline service."<sup>31</sup> The Commission does not believe any of its proposed rules conflict with the FCC rules or define who is eligible for Lifeline service; however, to address some of the concerns of the Commenters, the Commission has revised the proposed rules by:

1. referencing FCC rules as opposed to restating them in the Commission's rules;
2. making clear that the Commission will not make any eligibility decisions;
3. eliminating the tariff requirement and replacing it with an Informational Filing requirement;
4. deleting the requirement to inform customers orally and in writing of the availability of Lifeline service at the point of sale; and
5. revising the Link Up rules to make reference to FCC rules as opposed to restating them in the Commission's rules.

In addition, the Commission directs Staff to hold periodic informational sessions in Tribal communities on the PRIR to ensure residents understand the requirements and process of obtaining Lifeline service. Lifeline providers shall be invited to attend these Lifeline informational sessions.

---

<sup>30</sup> *Tribal Lifeline Order* at para. 65.

<sup>31</sup> AT&T Further Comments at p. 4.

The Commission believes that the revised Lifeline and Link Up rules in Attachment A: (i) are consistent with the Commission's jurisdiction and authority over the provision of Lifeline service on the PRIR; (ii) further the interests of residents of the PRIR to have access to affordable telecommunications services; and (iii) address many of the concerns of the Commenters. The Final Lifeline rules are attached as Attachment A and will be effective as of June 1, 2015.

**TRIBAL UTILITY COMMISSION**

Joe Red Cloud - Chair  
Ivan Bettleyoun - Vice Chair  
David Mills, Commissioner  
Arlene Catches The Enemy - Treasurer

TRIBAL UTILITY COMMISSION  
OGLALA SIOUX TRIBE  
P.O. BOX 669  
PINE RIDGE, SOUTH DAKOTA 57770  
WEB SITE: OSTUC.NET  
E-MAIL: FILINGS@OSTUC.NET

**ATTACHMENT A:  
FINAL LIFELINE RULES**

The following Lifeline rules are modeled after the Lifeline rules of the Texas Public Utility Commission (P.U.C. SUBST. R. §§ 26.412 and 26.413) with changes reflecting the deletion of rules not applicable to the Pine Ridge reservation and additions necessary to meet the needs of low-income tribal members and residents.

**§26.412. Lifeline Service Program.**

(a) Scope and purpose. Through this section, the commission seeks to identify and make available Lifeline Service to all qualifying customers and households and define the responsibilities of all providers of Lifeline Service and, qualified customers:

(b) Applicability. This section applies to:

ETC -- A carrier designated as such by a state commission pursuant to 47 C.F.R. §54.201 or a carrier designated as an ETC by the FCC pursuant to 47 C.F.R. §54.201.

(c) Definitions. Definitions shall be the same as the FCC rules.

(d) Lifeline Service Program. Each Lifeline provider shall provide Lifeline Service as provided by this section. Lifeline Service is a non-transferable retail local exchange telephone service offering available to qualifying low-income customers. Lifeline Service shall be provided according to the following requirements:

(1) Designated Lifeline services. Lifeline providers shall offer the services or functionalities enumerated in 47 C.F.R. §54.101 ( relating to Supported Services for Rural, Insular and High Cost Areas).

(2) Toll limitation. Lifeline providers shall offer toll limitation to all qualifying low income customers at the time the customer subscribes to Lifeline Service. If the customer elects to receive toll limitation that service shall become part of the customer's Lifeline Service and the customer's monthly bill will not be increased by otherwise applicable toll limitation charges.

(3) Disconnection of service.

(A) Disconnection. A Lifeline provider shall be prohibited from disconnecting supported services to a customer who receives Lifeline Service because of nonpayment by the customer of charges for other services billed by the provider,

including interexchange telecommunications service.

(B) A Lifeline provider may block a lifeline service customer's access to all interexchange telecommunications service except toll-free numbers and non-supported services when the customer owes an outstanding amount for that service. The provider shall remove the block without additional cost to the customer on payment of outstanding amount.

(4) Number Portability. Consistent with 47 C.F.R. §52.33, Lifeline providers may not charge Lifeline customers a monthly number-portability charge.

(5) Service deposit prohibition. If the qualifying low-income customer voluntarily elects toll limitation from the Lifeline provider, the Lifeline provider may not collect a service deposit in order to initiate Lifeline Service.

(6) Ancillary services. A Lifeline provider shall provide customers who apply for or receive Lifeline Service access to available vertical services or custom calling features, including caller ID, call waiting, and call blocking, at the same price as other consumers. Lifeline discounts shall only apply to that portion of the bill that is for basic network services.

(7) Bundled packages. A Lifeline provider shall provide customers who apply to receive Lifeline Service access to bundled packages at the same price as other consumers less the Lifeline discount.

(e) A Lifeline provider shall provide the Lifeline discount on the lowest priced bundled rate plan.

(f) A Lifeline provider shall offer the maximum Lifeline discount permitted under section (f) below to Lifeline consumers.

(8) Prepaid service. To the extent a Lifeline provider offers a prepaid service to non-Lifeline consumers, it shall make available at least one prepaid service with the maximum Lifeline discount permitted under section (f) below to Lifeline consumers

(g) Lifeline support and recovery of support amounts.

(1) Lifeline discount amounts. All Lifeline providers shall provide the following Lifeline discounts to all eligible Lifeline customers so long as the total of all the Lifeline discounts combined does not result in a rate of less than zero for a customer's basic local service. Should the total of all Lifeline discounts result in a rate of less than zero on a customer's bill, the Lifeline provider shall only provide a Lifeline discount amount up to the price a customer is charged for basic local service.

(A) Federally approved reduction - Up to the federal monthly basic Lifeline support amount outlined in 47 C.F.R. 54.403.

(B) Additional federal Lifeline reduction for an eligible customer who is a resident of Tribal lands, as defined in 47 C.F.R. §54.400, up to the federal monthly Lifeline amount outlined in 47 C.F.R. §54.403.

(2) Lifeline support amounts. The following Lifeline providers shall receive support amounts for the Lifeline discounts outlined in paragraph (1) of this subsection. Note: A Lifeline provider shall not receive a support amount greater than the amount it provided to each qualifying Lifeline customer.

(A) ETC -- Pursuant to 47 C.F.R. §54.403, the federal Lifeline support an ETC shall receive is:

(i) Federally approved support amount pursuant to 47 C.F.R. §54.403.

(ii) Additional federal Lifeline reduction for an eligible resident of Tribal lands, as defined in 47 C.F.R. §54.400 -- up to the federal monthly Lifeline amount outlined in 47 C.F.R. §54.403.

(h) Obligations of the customer and the Lifeline provider.

(1) Obligations of the customer.

(A) Customers receiving benefits under the programs listed in subsection (d) of this section and who do not have telephone service must initiate a request for service from a participating telecommunications carrier providing local service in their area.

(B) Opportunity for contest.

(i) A customer who believes that their application has been erroneously denied may request in writing that the Commission review the application, and the customer may submit additional information as proof of eligibility.

(ii) Upon review by the Commission, it will provide its recommendation to the Lifeline provider and to the Universal Service Administrative Company ("USAC").

(2) Obligations of Lifeline providers.

(A) A Lifeline provider shall only provide Lifeline Service to all eligible customers within its service area in accordance with the FCC rules and any applicable Commission rules.

(i) The eligible customer shall not be charged for changes in telephone service arrangements that are made in order to qualify for Lifeline Service, or for service order charges associated with transferring the account into Lifeline Service. If the eligible customer changes the telephone service, the Lifeline provider shall begin reduced billing at the time the change of service becomes effective.

(B) Informational Filing Requirement. Each Lifeline provider shall submit an Informational Filing to the Commission identifying the rates, terms and conditions of Lifeline service and Link Up and update this filing as necessary within 30 days of Lifeline service offering or changes the Lifeline service offering.

(C) Reporting requirements. Lifeline providers providing Lifeline Service shall report information as required by the Commission, including but not limited to the following information:

(i) Initial reporting requirements. Lifeline providers shall provide the commission with information demonstrating that it meets the requirements of the FCC rules and any applicable Commission rules.

(ii) Quarterly reporting requirements. Lifeline providers shall report quarterly to the Commission (i) the total number Lifeline customers, (ii) the number of new ~~of~~ qualified low-income customers to whom Lifeline Service was provided for each month, and (iii) the number of Lifeline customers whose service was disconnected and reasons for disconnection,

(iii) Other reporting requirements. Lifeline providers shall report any other information required by the Commission and the FCC.

(D) Notice Requirement. A Lifeline provider shall provide the following notices of Lifeline Service:

(i) Notice of Lifeline Service and Link Up in tribal publications, media outlets, and/or government offices advising customers of the availability of Lifeline Service. All Lifeline providers are required to identify all Lifeline notices completed for the prior year in its Annual Report filed with the Commission pursuant to 47 C.F.R. § 54.422

(ii) An annual bill message advising customers of the availability of Lifeline Service and Link Up. All Lifeline providers are required to file a copy of the annual bill message with the Commission at the time it files its Annual Report pursuant to 47 C.F.R. § 54.422; and

(iii) Shall publicize the availability of Lifeline Service and Link Up in a manner reasonably designed to reach those likely to qualify for the service.

(E) Confidentiality agreements. Each Lifeline provider must execute a confidentiality

Oglala Sioux Tribe Utility Commisison  
*A Chartered Governmental Subdivision of the Oglala Sioux Tribe*

---

agreement with the Commission to the extent any confidential information is provided to the Commission as part of the Lifeline provider's reporting obligations.

**§26.413. Link Up for Tribal Lands.**

(a) Scope and purpose. Through this section, the commission seeks to extend Link Up Service to all eligible residents of Tribal lands seeking telecommunications service from a telecommunications carrier that is receiving federal high-cost support on Tribal lands and define the responsibilities of participating telecommunications carriers and qualified customers.

(b) Applicability. This section applies to designated eligible telecommunications carriers (ETCs) that are receiving federal high-cost support on Tribal lands as defined in 47 C.F.R. §54.400.

(c) Definitions. Definitions shall be the same as in the FCC rules.

(d) Link Up for Tribal Lands. This is a program certified by the Federal Communications Commission (FCC), pursuant to 47 C.F.R. §54.413, that provides an eligible resident of Tribal lands with the the Link Up services provided in the FCC rules.

(e) Obligations of the customer. Qualified eligible residents of Tribal lands who want Link Up for Tribal lands and do not have telephone service must initiate a request for service from a participating telecommunications carrier providing local service in their area.

(f) Obligations of the participating telecommunications carrier. Participating telecommunications carriers shall provide Link Up for Tribal lands to all eligible residents of Tribal lands in accordance with the FCC rules and any applicable Commission rules.

**Certificate of Service**

A copy of this Order has been served by email on April 11, 2015 on the following individuals:

Wauneta Browne  
Regional Vice President  
AT&T External Affairs  
11425 West 146<sup>th</sup> St.  
Olathe, KS 66062  
Office: 913-685-7581  
[wbrowne@att.com](mailto:wbrowne@att.com)

Greg Olsen  
Golden West Telecommunications Cooperative, Inc.  
PO Box 411  
415 Crown Street  
Wall, SD 57790-0411  
[gregoleson@goldenwest.com](mailto:gregoleson@goldenwest.com)

Wyman E. Nelson  
Great Plains Communications  
1600 Great Plains Centre  
PO Box 500  
Blair, NE 68008  
[wenelson@gpcom.com](mailto:wenelson@gpcom.com)

Bruce Hanson  
Fort Randall Telephone Company  
d/b/a Mt. Rushmore Telephone Company  
1700 Technology Drive – Suite 100  
Willmar, MN 56201  
[bruce@hcinet.net](mailto:bruce@hcinet.net)

Bill Heaston  
VP Legal & Regulatory  
South Dakota Network, LLC (dba SDN Communications)  
2900 W. 10<sup>th</sup> St.  
Sioux Falls, SD 57104  
[bill.heaston@sdncommunications.com](mailto:bill.heaston@sdncommunications.com)

Oglala Sioux Tribe Utility Commisison  
*A Chartered Governmental Subdivision of the Oglala Sioux Tribe*

---

Jaymes D. Littlejohn  
*Attorney for Verizon*  
Moss & Barnett  
4800 WELLS FARGO CENTER  
90 South Seventh Street  
Minneapolis, MN 55402  
[LittlejohnJ@moss-barnett.com](mailto:LittlejohnJ@moss-barnett.com)

Jason Brings Him Back  
Native American Telecom – Pine Ridge, LLC  
10 White Tail Deer Road  
Pine Ridge, SD 57770  
[Info@NativeAmericanTelecom.com](mailto:Info@NativeAmericanTelecom.com)

[Jason Topp](#)  
[Associate General Counsel](#)  
[CenturyLink](#)  
[200 South 5th Street – Room 2200](#)  
[Minneapolis, MN 55402](#)  
[Jason.Topp@CenturyLink.com](mailto:Jason.Topp@CenturyLink.com)

Diane C. Browning  
Sprint Nextel Corporation  
6450 Sprint Parkway  
Overland, KS 66251  
[Diane.c.browning@sprint.com](mailto:Diane.c.browning@sprint.com)

Terry K. Rajewich CKAE  
Account Manager  
NEBRASKA PUBLIC POWER DISTRICT  
515 1<sup>st</sup> Avenue  
Scottsbluff, Nebraska 69361  
[tkrajew@nppd.com](mailto:tkrajew@nppd.com)

BLACK HILLS ELECTRIC POWER COOPERTIVE, INC.  
Mike Chase  
P.O. Box 792  
Custer, South Dakota 57730-0792  
Email: [mchase@bhec.coop](mailto:mchase@bhec.coop)

Oglala Sioux Tribe Utility Commisison  
*A Chartered Governmental Subdivision of the Oglala Sioux Tribe*

---

Wayne Sterkel  
General Manager  
Lacreek Electric Assn., Inc.  
Box 220  
Martin, SD 57551  
[Wayne@Lacreek.com](mailto:Wayne@Lacreek.com)

Chad Brunsch  
LAKOTA PLAINS PROPANE  
South Dakota 407  
Pine Ridge, SD 57770  
[chad@lakotaplains.net](mailto:chad@lakotaplains.net)

BOB'S GAS  
Robert Claussen  
104 W Main St.  
Martin, SD 57551  
(605) 685-6538  
[bobsgas@gwtc.net](mailto:bobsgas@gwtc.net)

WESTCO  
Scott Feller  
Hay Springs, NE 69347  
(308) 762-3112 office  
(308) 760-4440 cell

MIDWEST COOP  
300 E Cherry St.  
Philip, SD 57567  
(605) 859-2382